

SOLICITOR

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U.S. PATENT & TRADEMARK OFFICE

CARDINAL IG COMPANY)	Civil No. _____
)	
Plaintiff,)	
)	
v.)	
OLDCASTLE GLASS INC.,)	COMPLAINT AND DEMAND FOR JURY TRIAL P.A. # 5,599,422 5,866,260 5,107,643 6,793,971 7,026,571 7,083,699
Defendant.)	
)	

Plaintiff Cardinal IG Company ("Cardinal") for its Complaint against Defendant Oldcastle Glass Inc. ("Oldcastle"), states and alleges as follows:

THE PARTIES

1. Cardinal manufactures and sells masked glass products, including monolithic glass and insulating glass units. Cardinal owns several patents relating to insulating glass units. Cardinal IG Company is a Minnesota corporation with its principal executive office in Eden Prairie, Minnesota.

2. Upon information and belief, Defendant Oldcastle is incorporated in the State of Delaware. Oldcastle's headquarters and principal place of business is in Plano, Texas. Oldcastle manufactures glass products.

JURISDICTION

3. This is a claim for patent infringement arising under the Acts of Congress relating to patents, 35 U.S.C. §§ 271 and 282-85.

4. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this Court under 28 U.S.C. §§ 1391 and 1400.

CARDINAL'S PATENT RIGHTS

6. On February 4, 1997, United States Patent Number 5,599,422 (hereafter "the '422 patent"), entitled "Method of Producing Masked Glazing Panels," was duly and legally issued to Oregon Glass Company. Effective January 2, 2003, Oregon Glass assigned and transferred all rights, title and interest in the '422 patent to Cardinal. Since that date, Cardinal has been, and still is, the owner of the '422 patent. A copy of the '422 patent is attached as Exhibit A.

7. On February 2, 1999, United States Patent Number 5,866,260 (hereafter "the '260 patent"), entitled "Masked Glazing Panels," was duly and legally issued to Oregon Glass Company. Effective January 2, 2003, Oregon Glass assigned and transferred all rights, title and interest in the '260 patent to Cardinal. Since that date, Cardinal has been, and still is, the owner of the '260 patent. A copy of the '260 patent is attached as Exhibit B.

8. On April 28, 1992, United States Patent Number 5,107,643 (hereafter "the '643 patent"), entitled "Method to Protect Glass in Doors and Windows from Scratches, Abrasion, and Painting Processes," was duly and legally issued to William B. Swensen ("Swensen") and West Coast Door, Inc. ("WCDI"). Effective November 30, 1999, Swensen and WCDI assigned and transferred all rights, title and interest in the '643 patent to Cardinal. Since that date, Cardinal has been, and still is, the owner of the '643 patent. A copy of the '643 patent is attached as Exhibit C.

9. On September 21, 2004, United States Patent Number 6,793,971 (hereafter "the '971 patent"), entitled "Methods and Devices for Manufacturing Insulating Glass Units," was duly and legally issued to Cardinal; and since that date, Cardinal has been, and still is, the owner of the '971 patent. A copy of the '971 patent is attached as Exhibit D.

10. On April 11, 2006, United States Patent Number 7,026,571 (hereafter "the '571 patent"), entitled "Glass Masking Method Using Lasers," was duly and legally issued to Cardinal; and since that date, Cardinal has been, and still is, the owner of the '571 patent. A copy of the '571 patent is attached as Exhibit E.

11. On August 1, 2006, United States Patent Number 7,083,699 (hereafter "the '699 patent"), entitled "Masking Glass Shapes," was duly and legally issued to Cardinal; and since that date, Cardinal has been, and still is, the owner of the '699 patent. A copy of the '699 patent is attached as Exhibit F.

12. In the remainder of the Complaint, the above-listed patents are referred to as the "Cardinal Patents."

COUNT 1 – PATENT INFRINGEMENT
(the '422 patent)

13. Oldcastle has infringed the '422 patent through the manufacture, use, sale, and/or offer for sale of masked glass products.

14. Cardinal has been damaged by Oldcastle's infringement of the '422 patent and will continue to be damaged in the future unless Oldcastle is preliminarily and permanently enjoined from infringing the patent, inducing infringement of the patent, and contributing to the infringement of the patent by others.

15. Upon information and belief, Oldcastle is aware that the '422 patent was duly and legally issued and that Oldcastle's use, manufacture, sale, and/or offer for sale of its masked glass products infringe the '422 patent.

16. Upon information and belief, Oldcastle's infringement of the '422 patent is now and has been intentional, willful, and deliberate and will continue unless enjoined by the Court.

COUNT 2 – PATENT INFRINGEMENT
(the '260 patent)

17. Oldcastle has infringed the '260 patent through the manufacture, use, sale, and/or offer for sale of masked glass products.

18. Cardinal has been damaged by Oldcastle's infringement of the '260 patent and will continue to be damaged in the future unless Oldcastle is preliminarily and permanently enjoined from infringing the patent, inducing infringement of the patent, and contributing to the infringement of the patent by others.

19. Upon information and belief, Oldcastle is aware that the '260 patent was duly and legally issued and that Oldcastle's use, manufacture, sale, and/or offer for sale of its masked glass products infringe the '260 patent.

20. Upon information and belief, Oldcastle's infringement of the '260 patent is now and has been intentional, willful, and deliberate and will continue unless enjoined by the Court.

COUNT 3 – PATENT INFRINGEMENT
(the '643 patent)

21. Oldcastle has infringed the '643 patent through the manufacture, use, sale, and/or offer for sale of masked glass products.

22. Cardinal has been damaged by Oldcastle's infringement of the '643 patent and will continue to be damaged in the future unless Oldcastle is preliminarily and permanently enjoined from infringing the patent, inducing infringement of the patent, and contributing to the infringement of the patent by others.

23. Upon information and belief, Oldcastle is aware that the '643 patent was duly and legally issued and that Oldcastle's use, manufacture, sale, and/or offer for sale of its masked glass products infringe the '643 patent.

24. Upon information and belief, Oldcastle's infringement of the '643 patent is now
and has been intentional, willful, and deliberate and will continue unless enjoined by the Court